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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,883	11/17/1999	CHRISTOFFER ANDERSSON	2380-110	5142

7590 12/19/2003

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,883

Applicant(s)

ANDERSSON ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson et al. (U.S. Patent Number 6,519,461).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

1. Claims 1-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al. (U.S. Patent Number 6,519,461).

Regarding claims 1, 28, Andersson et al. discloses all of the claimed invention as set forth in the instant application, additionally Andersson et al. discloses a channel-type switching from a common channel to a dedicated channel based on common channel load, further Andersson et

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al. discloses a mobile telecommunications system comprising at least one node (18,20) through which a packet switched data session is established between a user equipment unit (30) and a data network (12-14), and wherein the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48), makes a determination if an acceleration of packet transmission rate justifies a channel switch for the session and implements a channel switch in accordance with the determination (which reads on column 3 lines 55-65).

Regarding claims 2,16,29,43,56,70 Andersson et al. discloses wherein the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) switches channel types for the session in accordance with the determination (which reads on column 3 lines 55-65).

Regarding claims 3,17,30,44,57,71, Andersson et al. discloses the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) switches the session from a common traffic channel to a dedicated traffic channel in accordance with the determination (which reads on column 3 lines 55-65).

Regarding claims 4,18,31,45,58,72, Andersson et al. discloses the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) switches the session from a dedicated traffic channel having a first transmission rate to a dedicated traffic channel having a second transmission rate (which reads on column 3 line 35-39), in accordance with the determination (which reads on column 3 lines 55-65).

Regarding claims 5, 19,32,46,59,73, Andersson et al. discloses the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes the determination at a beginning of the session (which reads on column 5 line 48-50).

Regarding claims 6,20,33,47,60,74, Andersson et al. discloses the node(which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes the determination when throughput of the packets reaches a packet speed threshold (which reads on column 2 line 58-61).

Regarding claims 7,21,34,48,61,75, Andersson et al. discloses the node makes the determination by 2 comparing a derivative of the packet transmission rate at the packet speed threshold 3 with a predetermined acceleration threshold (which reads on column 6 line 55-58).

Regarding claims 8,22,35,49,63,77, Andersson et al. discloses the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes the determination upon detection of a predetermined pattern of interval time lengths between receipt times of packets (which reads on column 2 line 23-28).

Regarding claims 9,23,36,50,63,77, Andersson et al. discloses the predetermined pattern of interval time 2 lengths between receipt times of packets is long-short-long-short justifies a channel switch for the session (which reads on column 6 line 55-58).

Regarding claims 10,24,37,51,64,78, Andersson et al. discloses the node (1) (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes a determination whether 2 the session is in a slow start phase. and (2) switches channel for the session in accordance with whether the session is in a slow start phase (which reads on column 6 line 55-58).

Regarding claims 11,38,66, Andersson et al. discloses the node (1) (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes a determination whether a packet transmission rate of the session is indicative of a fast transmission-ramping protocol, and (2) switches channel for the session in accordance with the determination (which reads on column 3 lines 55-65).

Regarding claims 12,25,39,67,69,52, Andersson et al. discloses fast transmission-ramping protocol is transmission control protocol (TCP) (which reads on column 2 line 25-26).

Regarding claims 13, 26,40,65,53, Andersson et al. discloses the node (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) is a radio network controller node.

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Regarding claims 14, 27, 41, 54, Andersson et al. discloses the mobile telecommunications system uses wideband code division multiple access (which reads on column 6 line 52).

Regarding claims 15, 42, 55, 68, Andersson et al. discloses a mobile telecommunications system comprising at least one node through which a packet switched data session is established between a user equipment unit and a data network, and wherein the node (1) (which reads on “a communication channel allocation entity” as disclosed in column 5 line 48) makes a determination whether a packet transmission rate of the session is indicative of a fast transmission-ramping protocol, and (2) switches channel for the session in accordance with the determination (which reads on column 3 lines 55-65).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-93⁰⁶~~4~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith
December 14, 2003


TEMICA M. DAVIS
PATENT EXAMINER